

From: [Gray, David](#)
To: [Bowman, Liz](#)
Subject: RE: questions regarding Magellan spills.
Date: Wednesday, September 13, 2017 2:49:00 PM

Only his email to USCG. Let me share it with you.

From: Bowman, Liz
Sent: Wednesday, September 13, 2017 2:47 PM
To: Gray, David <gray.david@epa.gov>
Subject: RE: questions regarding Magellan spills.

Did you hear back on this?

From: Gray, David
Sent: Wednesday, September 13, 2017 10:30 AM
To: Lauer, Claudia <CLauer@ap.org>; Bowman, Liz <Bowman.Liz@epa.gov>; Causey, Adam <ACausey@ap.org>; Brown, Matthew <MBrown@ap.org>; Reiterman, Tim F. <TReiterman@ap.org>
Cc: Graham, Amy <graham.amy@epa.gov>
Subject: RE: questions regarding Magellan spills.

Good morning – Liz asked me to share these responses with you.

Ms. Bowman,

I appreciate this rundown, but I am still confused on a few points. I would also like some of this information on the record. If the best way to do that is to talk to the command staff who were in Houston, that's fine. If there is documentation that is available, I would prefer that to be included in that discussion so I can see the details as they were reported from that command.

1. Although not explicitly stated below, are you confirming that the two different incidents —the almost 500,000-gallon spill and the 2,500-galllon spill- are the same incident? It appears you are saying the 2,500 is in reference to the material that escaped containment.

There is one incident. There are two spill reports by company to the National Response Center. The first NRC report was at 00:38 on Sept 1 and the second was at 14:59 on Sept 5.

2. Are you saying that the EPA last Wednesday was only referring to the amount of material that had escaped into the channel or outside of Magellan's physical plant boundaries? The email sent from us on that Wednesday asks whether we are discussing the same

spill and notes that the Coast Guard had said that about 2,500 gallons had been cleaned up. Your response was, "This is the same one. EPA is coordinating with US Coast Guard (USCG) on a 2500-gallon fuel oil spill at the Houston Magellan facility."

Based on initial reports, we understood from the USCG that the amount that escaped outside the plant boundaries was smaller and unrecoverable.

From my reading of the emails, neither AP nor the EPA mentioned that the 2,500 gallons was just the portion that had been captured outside the facility.

The company spill estimates came in later as the company began collecting the spilled material from on-site containment and accounted for the difference in lost and recovered material.

3. Was the EPA aware last Wednesday that the total amount spilled at the facility was more than 460,000 gallons? Was the cleanup referred to at that point only referencing the material that had made it off-site, and if so, does that mean further clean-up is needed?

EPA provided the best information it had at the time.

4. In your response to questions from Matt last night, you said that none of the spill entered the waterway. Please clarify how that reconciles with the 2,500 gallons that apparently traveled offsite. Did 2,500 gallons escape the secondary containment. Again USCG managed this response, not EPA. We understand that the company has not recovered all of the material known to be stored at the facility. This delta of unaccounted material could have evaporated or been lost offsite. The company reported an offsite sheen however none of the material was reported by USCG as recoverable.

Please explain what the primary and secondary containments consist of. Is the secondary containment the ditch/waterway that was referenced by the company in its report to the NRC?

The USCG managed this response, not EPA. The USCG will need to respond to specific regarding site conditions.

I have reached out to the Coast Guard, but it appears the incident command PIO is an EPA employee? Austin Vela is the contact I was given. Does that person have permission to speak on the record?

Rather than having EPA speak for the USCG regarding a spill within their jurisdiction, you should contact USCG Tozko at 832-256-3257 or USCGPIAT@gmail.com for additional information.

Again, thank you for your patience and the help in clarifying.
Best,

From: Lauer, Claudia [<mailto:CLauer@ap.org>]

Sent: Tuesday, September 12, 2017 7:02 PM

To: Bowman, Liz <Bowman.Liz@epa.gov>; Causey, Adam <ACausey@ap.org>; Brown, Matthew <MBrown@ap.org>; Reiterman, Tim F. <TReiterman@ap.org>
Cc: Graham, Amy <graham.amy@epa.gov>; Gray, David <gray.david@epa.gov>
Subject: RE: questions regarding Magellan spills.

Hey Ms. Bowman,

So Adam and I are on the email chain because we were working the breaking news desk for storm coverage last Wednesday when the spill was mentioned in the release. Matt is on this email because he wrote the comprehensive story on the Magellan spill last night. Tim Reiterman is the editor for the environmental desk.

Matt and I would be interested in having a conference call with Mr. Vela. That way, we don't have to pester and call him back for follow ups. Right now we're trying to reconcile the two stories that are out about this and get a narrative for moving forward.

I left Mr. Vela a message, am I OK to call him again tomorrow and tell him we have talked and it's OK for him to talk about the incident narrative and response?

I appreciate your time, and I hope that clarifies the recipients on this email.

Best,
Claudia

From: Bowman, Liz [mailto:Bowman.Liz@epa.gov]
Sent: Tuesday, September 12, 2017 5:18 PM
To: Lauer, Claudia; Causey, Adam; Brown, Matthew; Reiterman, Tim F.
Cc: Graham, Amy; Gray, David
Subject: RE: questions regarding Magellan spills.

Hi Claudia – On Background: you can use the information we sent, you – please just attribute to an EPA official, not us by name.

Off the record: Happy to help clarify further and we have no problem him going on the record. Just so we are clear and in the effort of transparency – why are there four different AP reporters on this chain, and why did we get a separate email from two other AP reporters asking similar questions? Can you please clarify who all is working on this article (including the editor)? We are more than happy to with the AP, but would ask transparency on which reporter is the lead, and who all is contributing. We are doing our best to get this information from the folks on the ground, be as open and transparent as we can, as the circumstances change and we get information from multiple Agencies – we only ask the same transparency and clarity in return. Thank you – Liz

From: Lauer, Claudia [mailto:CLauer@ap.org]
Sent: Tuesday, September 12, 2017 4:46 PM

To: Bowman, Liz <Bowman.Liz@epa.gov>; Causey, Adam <ACausey@ap.org>; Brown, Matthew <MBrown@ap.org>; Reiterman, Tim F. <TReiterman@ap.org>
Cc: Graham, Amy <graham.amy@epa.gov>; Gray, David <gray.david@epa.gov>
Subject: RE: questions regarding Magellan spills.

Ms. Bowman,

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2. Are you saying that the EPA last Wednesday was only referring to the amount of material that had escaped into the channel or outside of Magellan's physical plant boundaries? The email sent from us on that Wednesday asks whether we are discussing the same spill and notes that the Coast Guard had said that about 2,500 gallons had been cleaned up. Your response was, "This is the same one. EPA is coordinating with US Coast Guard (USCG) on a 2500-gallon fuel oil spill at the Houston Magellan facility."
From my reading of the emails, neither AP nor the EPA mentioned that the 2,500 gallons was just the portion that had been captured outside the facility.
3. Was the EPA aware last Wednesday that the total amount spilled at the facility was more than 460,000 gallons? Was the cleanup referred to at that point only referencing the material that had made it off-site, and if so, does that mean further clean-up is needed?
4. In your response to questions from Matt last night, you said that none of the spill entered the waterway. Please clarify how that reconciles with the 2,500 gallons that apparently traveled offsite. Did 2,500 gallons escape the secondary containment?
5. Please explain what the primary and secondary containments consist of. Is the secondary containment the ditch/waterway that was referenced by the company in its report to the NRC?

I have reached out to the Coast Guard, but it appears the incident command PIO is an EPA employee? Austin Vela is the contact I was given. Does that person have permission to speak on the record?

Again, thank you for your patience and the help in clarifying.

Best,
Claudia

From: Bowman, Liz [<mailto:Bowman.Liz@epa.gov>]
Sent: Tuesday, September 12, 2017 2:01 PM
To: Lauer, Claudia; Causey, Adam; Brown, Matthew
Cc: Graham, Amy; Gray, David

Subject: RE: questions regarding Magellan spills.

Hi Claudia, Matt and Adam –

On background: We apologize for the confusion. EPA was never at the facility, that was Coast Guard jurisdiction. If you want to get on the phone with one of our on-site coordinators who was in Houston (but not at the facility itself), he can talk on background if you need further clarification... It is our understanding that the distinction is that we were asked about off-site consequences; therefore, the spill was not large offsite, it was contained within the facility. When we talk about impacts on the environment, we are referring to the amount that was offsite. The Coast Guard was probably referring to a large quantity of material that was contained on site, verse our reporting of the small amount that was offsite. Our regulatory authority is when it gets into a Water of the U.S., the Coast Guard is focused on on-site potential consequences. So, this is the same spill; however, the Coast Guard was talking about a spill into secondary containment boundaries within the plant (the tanks spilled into the plant's internal, secondary containment around it to help control spills), and we were talking about the waterway. We want to also explain that the Unified Command (EPA, State of Texas, General Land Office and USCG) came together to coordinate activities associated with hurricane Harvey after his spill. This spill had occurred and been responded to by the USCG prior to the Unified Command being established.

The following information provides a more detailed summary of our understanding of this situation; but we urge you to confirm details/specifics with the Coast Guard, as they are the primary lead on the spill and were on scene: On September 1, 2017, the USCG responded to the facilities report of a discharge. A small amount of the gas blend had been reported as getting out of containment. However, the quantity of that gas blend outside containment is unknown and was unrecoverable. The USCG reported that there was no sheen or discharge outside of containment during their assessment.

Approximately 11,000 bbls of gas stock blend had discharged into containment within the facility. A transfer operation to move the gas blend from the secondary containment to safe storage took place over a few days. Approximately 8,000 bbls of the material has been recovered. A significant amount of the difference of what was discharged and what was recovered is due to evaporation. The responsible party is calculating and assuring accuracy to determine with certainty the volume of material discharged. While conducting recovery, Magellan applied a foam blanket over the material to reduce the volatile emissions from the gasoline.

As of today, we understand that the Unified Command has not received reports of either environmental or health effects related to the discharge at this time.

I hope this explains and we apologize for the confusion. Thank you – Liz

From: Lauer, Claudia [<mailto:CLauer@ap.org>]

Sent: Tuesday, September 12, 2017 1:23 PM

To: Gray, David <gray.david@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>

Cc: Causey, Adam <ACausey@ap.org>; Brown, Matthew <MBrown@ap.org>

Subject: questions regarding Magellan spills.

Hey Mr. Gray, Ms. Bowman,

I wanted to check back in about the Magellan spills that happened during Hurricane Harvey.

My colleague Matt Brown wrote a story last night that described a large spill of almost a half-million gallons from Magellan's Galena Park facility. Reviewing the records of spills available, it appears there was not a second spill at that facility during the timeframe of Harvey.

When my colleague Adam and I approached you late last Wednesday to ask about the possible spill, in the email exchange we had noted the Coast Guard had said the only spill they were aware of was a smaller spill at the Magellan facility and that the clean-up had been completed on Sept. 5.

I would really appreciate some clarification if you have a moment.

Are the two spills the same? Was the EPA already on site at Magellan at that point to help with the larger spill, which appeared to have happened around Aug. 31? If they are the same spill, did you know last Wednesday after the clean-up had been completed that the size of the spill was much larger? My understanding from the Coast Guard is that they had gotten their information that night from the EPA. I am also checking on that at this point.

If EPA officials were at the Magellan facility days after the larger spill had happened and a response had been ongoing, I'm trying to understand why the EPA would confirm the details of a much smaller spill at the same facility? I'm trying to understand how all of this unfolded.

I've cc'ed Matt and Adam on this email and would be happy, if you don't have the previous correspondence, to forward it to you.

I appreciate your time and I look forward to your response.

Best,

Claudia Lauer

Dallas Bureau

The Associated Press

(972) 991-2100

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